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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,629	02/10/2004	Naoaki Yamanaka	040803-0307870	9790
909	7590	11/03/2010		
PILLSBURY WINTHROP SHAW PITTMAN, LLP			EXAMINER	
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			ART UNIT	PAPER NUMBER
			2445	
			NOTIFICATION DATE	DELIVERY MODE
			11/03/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte NAOAKI YAMANAKA, and EIJI OKI*

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Appeal 2010-011964  
Application 10/774,629  
Technology Center 2400

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Before DALE M. SHAW, *Division 2 Support Administrator.*

**ORDER DISMISSING APPEAL**

On June 11, 2008, Appellant(s) filed a Notice of Appeal. A new ground of rejection, which covered all the claims on appeal, was provided in the Examiner's Answer mailed on May 28, 2010. Per 37 C.F.R. § 41.39(b), Appellant is required to do one of two items, either continue with the appeal or reopen the prosecution. Upon review of the electronic file, a response to the Examiners Answer was not filed by the Appellant. *See* 37 C.F.R. § 41.39(b).

Accordingly, the appeal in this application is dismissed.

Appeal 2010-011964  
Application 10/774,629

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

gvw

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